

TEMPORARY

No. 71494-T

AMENDED TEMPORARY

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 26 2004

Returned to applicant for correction AUG 03 2004

Corrected application filed AUG 05 2004

Map filed AUG 05 2004

The applicant **James R. O'Banion**, hereby make application for permission to change the **point of diversion** of water heretofore appropriated under **Permit 21279, Cert. 6571**

1. The source of water is **Underground**
2. The amount of water to be changed **2.72 CFS**
3. The water to be used for **Irrigation and Domestic**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **A point in the NW ¼ of the NW ¼ of Section 22, T. 11N., R. 23E., M.D.B.&M. or at a point from which the NW cor. of said section 22 bears N. 35°46'52"W. 1117.00 feet**
6. The existing permitted point of diversion is located within **SW ¼ of the SW ¼ of Section 15, T11N., R. 23E., M.D.B.&M., or at a point from which the SW corner of said section 15 bears S. 83°08'16"W, 715.51 feet.**
7. Proposed place of use **Portions of SW ¼ SW¼, SE¼ SW¼, SW¼ SE¼, SE¼ SE¼ Section 15, and portions of NW¼ NE¼ and NE¼ NE¼ Section 22. All in T. 11N, R. 23E., M.D.B.&M. 179.3 acres total.**
8. Existing place of use **Unchanged**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled well, pump motor & Distribution System**
12. Estimated cost of works **\$56,000.00**
13. Estimated time required to construct works **One Month**
14. Estimated time required to complete the application of water to beneficial use **One year - Temp.**
15. Remarks: **Applicant wishes to drill a second well for supplemental agricultural purposes. Existing well will continue to be used for commercial hatchery purposes under permit.**

By s/Cory L. Rice
P.O. box 135
Smith Valley, NV 89430

Compared ag/sam ag/sam

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 21279, Certificate 6571 is issued subject to the terms and conditions imposed in said Permit 21279, Certificate 6571 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued with the understanding that water pumped for irrigation purposes from this well be utilized on lands currently being irrigated with water from the West Fork Walker River under Permit 5528, Certificate 8859.

The total combined duty of water under Permits 21279, Certificate 6571 24347, Certificate 7021 and Temporary Permit 71494-T shall not exceed 717.2 acre-feet annually.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **October 31, 2004** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.72 cubic feet per second, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 6th day of August, A.D. 2004

Hugh Ricci, P.E.
State Engineer

EXPIRED

DATE OCT 31 2004 *de*

TEMPORARY